

REMARKS/ARGUMENTS

Reconsideration of this application in light of the above amendments and following comments is courteously solicited.

Independent claims 1 and 14 have been amended so as to set forth with specificity a method and plant protection agent for controlling fire blight in plants. Each of independent claims 1 and 14 set forth an acidic environment comprising (1) fugal structures selected from the group consisting of yeast cells, fungal spores and mixtures thereof, and (2) at least one of disodium hydrogen phosphate and sodium hydrogen carbonate in an amount sufficient to maintain a pH of the acidic environment between 3 to 6. None of the prior art references cited by the examiner teach, disclose, suggest or render obvious the particular acidic environment as now claimed in independent claims 1 and 14. In addition to the foregoing, independent claim 15 has been amended so as to overcome the examiner's rejection under 35 U.S.C. 112, first paragraph. The examiner had rejected previously submitted claim 15 over Japanese '125 in further view of the Jabar et al. publication. However, the examiner has not pointed out where the specific composition of independent claim 15 is disclosed or rendered obvious in either of those references. It is submitted that independent claim 15 patentably defines over the art of record.

In light of the foregoing, it is submitted that all of the claims as pending patentably define over the art of record and an early indication of same is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any

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questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

By /Gregory P. LaPointe #28395/
Gregory P. LaPointe
Attorney for Applicants
Reg. No.: 28,395

Telephone: 203-777-6628
Telefax: 203-865-0297

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